No. _____

In the
Supreme Court of the United States

_____

Stanford Wall,
Petitioner,
v.

United States of America,
Respondent.

_____

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Ninth Circuit

_____

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QUESTION PRESENTED

Whether, consistent with the Confrontation Clause, courts must apply a presumption favoring cross-examination of a government witness's general character for truthfulness, or whether courts may completely prohibit cross-examination that tests the witness's credibility or reliability without applying such a presumption?

PARTIES, RELATED PROCEEDINGS, AND RULE 29.6 STATEMENT

The parties to the proceeding below were Petitioner Stanford Wall and the United States. There are no nongovernmental corporate parties requiring a disclosed statement under Supreme Court Rule 29.6.

All proceedings directly related to the case, per Rule 14.1(b)(iii), are as follows:

> *United States v. Stanford Wall*, No. 23-1677, 2024 WL 4851418 (9th Cir. Nov. 21, 2024).
>
> *United States v. Stanford Wall*, No. 3:22-cr-01376-GPC (S.D. Cal. 2022)

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Petitioner, Stanford Wall, respectfully prays that the Court issue a writ of certiorari to review the order of the United States Court of Appeals for the Ninth Circuit entered on November 21, 2024.

INTRODUCTION

This case presents an important question about the scope of the Confrontation Clause's protection of the right an accused to confront the witnesses against him or her—a question that has divided lower courts and impacted the outcome of Mr. Wall's case.

This Court has made clear that a trial court cannot "prohibit[] *all* inquiry" into a government witness's credibility. *See Delaware v. Van Arsdall*, 475 U.S. 673, 679 (1986); *see also Davis v. Alaska*, 415 U.S. 308, 318 (1974). But atop this constitutional grounding, the lower courts have built a divided house.

The Eleventh Circuit holds that when a person accused of a crime wishes to cross-examine the government's "star witness" on a matter that tests the witness's credibility or reliability, district courts must apply a presumption favoring cross-examination. Consequently, an accused in the Eleventh Circuit enjoys a robust interpretation of the Confrontation Clause.

By contrast, the Ninth Circuit and other courts of appeals do not apply a presumption favoring cross-examination of a key government witness to test his or her credibility or reliability. Thus, in these circuits, the accused are more likely to be denied the opportunity to confront the witnesses against them.

Mr. Wall's case illustrates the consequences of the latter approach. The district court failed to apply the presumption, instead completely barring cross-examination of the government's expert witness, a law enforcement agent who testified about drug trafficking and drug value, on a line of questioning intended to test the expert's credibility and reliability. The Ninth Circuit recognized that the intended line of questioning was relevant. Indeed, the expert's testimony was essential to the sole element in dispute at trial. But the Ninth Circuit found no constitutional violation in the total prohibition of cross-examination that went to the heart of the witness's credibility; it thus affirmed Mr. Wall's conviction.

Had the Ninth Circuit applied the minority view and applied a presumption, it would have come to the opposite conclusion. Instead, its holding deepened the circuit split on application of the presumption.

This Court should grant review to address this deepening circuit split. This question is relevant to innumerable criminal trials each year. It divides lower courts. The majority view is irreconcilable with the Confrontation Clause and this Court's precedent interpreting it. And this case is an excellent vehicle to resolve the split given that the court of appeals below squarely rejected Mr. Wall's Confrontation Clause challenge. This Court should therefore grant this petition and resolve this long-percolating circuit split.

OPINION BELOW

The unpublished memorandum disposition of the United States Court of Appeals for the Ninth Circuit is reproduced on pages one through nine of the Appendix.

JURISDICTION

The court of appeals entered judgment on November 21, 2024. Pet. App. 1a. This Court has jurisdiction under 28 U.S.C. § 1254(1).

RELEVANT STATUTORY PROVISION

The Confrontation Clause of the Sixth Amendment to the United States Constitution provides: "In all criminal prosecutions, the accused shall enjoy the right . . . to be confronted with the witnesses against him." U.S. Const. amend. VI.

STATEMENT OF THE CASE

I. Customs officers found packages of methamphetamine hidden inside a spare tire attached to the undercarriage of Mr. Wall's vehicle.

On June 5, 2022, Mr. Wall traveled from the United States to Mexico to visit family members. Upon his return to the United States that evening, customs officers found packages suspected to contain methamphetamine in a spare tire affixed to the exterior of his Ford Explorer.

The officers arrested Mr. Wall, and the government charged him with drug importation under 21 U.S.C. §§ 952 & 960.

II. The district court denied Mr. Wall's request to cross-examine the government's expert about whether such organizations use unknowing couriers to import drugs.

Mr. Wall's case proceeded to trial. The primary point of contention was whether the government could prove beyond a reasonable doubt that Mr. Wall knew about the methamphetamine in the spare tire beneath his car, or whether it was reasonably possible that someone else had secreted the drugs into the tire in hopes of retrieving them after Mr. Wall drove the vehicle across the border.

The government sought to present the testimony of an expert, a law enforcement agent who investigated drug trafficking and drug trafficking organizations ("expert"). The government sought to elicit the expert's testimony on the estimated value of the drugs found in this case; the government intended to use this testimony to argue that the jury could infer that Mr. Wall must have known about the existence of the drugs because no drug-trafficking organization would entrust such a valuable load to an unknowing courier.

Mr. Wall moved pretrial to preclude the expert's testimony on the ground that drug-trafficking organizations have been shown to use unknowing couriers, or "blind mules," casting doubt on the credibility and reliability of the expert's testimony and the inference the government would urge the jury to draw from it.

The district court denied the motion, ruling that the expert could testify about the wholesale value of the methamphetamine recovered from the spare tire. The court held that this testimony was relevant only insofar as it could indicate knowledge. The court stated that the government had been making this argument "forever" and acknowledged that drug-trafficking organizations' use of blind mules presented a "recent wrinkle," as there was a "small percentage of cases where blind mules are being utilized." But the court held that the use of blind mules in some instances did not warrant precluding the value testimony in this case.

Having ruled that the expert's testimony was admissible, the court then considered Mr. Wall's alternative request: that he be permitted to cross-examine the expert about the existence of blind mules. Mr. Wall explained that such cross-examination would tend to impeach the reliability of the expert's testimony as to the ultimate issue at trial: whether the government could prove Mr. Wall's knowledge of the drugs beyond a reasonable doubt.

The court denied Mr. Wall's request, barring *any* cross-examination on the issue of whether drug-trafficking organizations use blind mules to import high-value drug loads. The court held that such cross-examination risked jury confusion

and could create a "mini-trial" on a "side issue." The court thus precluded this cross-examination under Federal Rule of Evidence 403.

III. The only disputed element at trial was knowledge, of which the government lacked direct evidence.

A. The government's case-in-cief.

At trial, the government offered no direct evidence that Mr. Wall knew about the drugs hidden in the spare tire underneath his vehicle. Instead, it relied on only circumstantial evidence of knowledge, which it sought to elicit through the testimony of expert, Homeland Security Investigations ("HSI") Special Agent Jamisha Johnson.

Agent Johnson testified about her extensive training and experience investigating drug-trafficking organizations. She explained that she had worked for HSI for fifteen years; she also spent three years working on a task force with the Drug Enforcement Administration investigating drug-trafficking organizations. Agent Johnson testified that she had received extensive training in law enforcement and regularly reviewed law-enforcement literature and publications. She explained that she has been the primary investigator for HSI in "at least 300 cases" and the co-agent in "at least 500 cases," ninety percent of which were drug-trafficking cases. As the primary investigator and co-agent, Agent Johnson testified, she was responsible for interviewing defendants and witnesses, working with informants, conducting vehicle, foot, and cell phone surveillance on persons of interest, engaging in undercover operations, conducting searches and seizures related to drug-trafficking, and collaborating with other law-enforcement agencies. Agent Johnson

testified that the wholesale value of methamphetamine found in the spare tire in this case ranged from approximately $41,578.75 to $98,890.

Because the district court entirely barred Mr. Wall from cross-examining Agent Johnson about whether her extensive training and experience made her aware that drug-trafficking organizations were known to use blind mules, the cross-examination focused on the fact that the wholesale value did not represent the actual production value of the drugs found in the spare tire.

The government also elicited testimony from border-inspection agents and an automotive expert that they did not find a GPS device in Mr. Wall's vehicle. The automative expert further testified that he found a product used to fix flat tires in the cargo area of the vehicle.

The government's case agent testified that there was no consistent pattern or predictability in Mr. Wall's prior border-crossing and no phone records or bank records indicating knowledge of drug importation or drug-trafficking activity. The case agent testified that Mr. Wall gave a post-arrest statement in which he denied knowledge and gave a detailed account of his travels within Tijuana, Mexico, on the day of his arrest to visit family.

B. Mr. Wall's case-in-chief.

Mr. Wall's case-in-chief comprised of three witnesses who testified about his whereabouts on the day of his arrest: Mr. Wall's son, who said that their family often took day trips to Tijuana to deliver food and clothing to family members there; Mr. Wall's nephew, who said that on the day Mr. Wall was arrested he had dropped food off for the family in Tijuana; and another family member who also confirmed

Mr. Wall had dropped off goods for the family in Tijuana that day. The final defense witness was a locksmith, who testified that a person without a key to the vehicle could gain access to the vehicle's spare-tire area.

C. Closing arguments.

In his closing argument, the prosecutor noted the lack of a tracking device in the spare tire and argued: "why that really matters is the value of the drugs, 98,000, 41,000 to 98,000 was the range. Not the kind of money anyone wants to gamble with." The prosecutor continued:

> Methamphetamine is product that is bought and sold. There are people supplying it. There are people distributing it. And there are people buying it. There are customers.
>
> And like any business, product needs to be delivered to customers on some kind of schedule.
>
> . . .
>
> How do people treat things of value when they want to transport them? What might they do? They might pay for certified mail instead of normal mail. They might pay for FedEx or UPS. They might insure it. They might pay a courier to hand deliver it. That's how people treat things of value. They don't chuck them in the back of a car that they don't know where it's going, they are not tracking it.
>
> Any of you who ordered a $10 pair of socks from Amazon have probably had it tracked to your house. And is it seriously being suggested that someone put $98,000 of methamphetamine in a tire and didn't put a tracker on it? Put it in a car they didn't know when it's leaving, where it's going, or how it's going to get there? Of course not.
>
> There is an expression, if it doesn't make dollars, it doesn't make sense, and it doesn't make either unless he's a willing participant. The evidence proves that he was.

The prosecutor continued: "there was no tracker because he is the tracker. One is not needed when he can be called. 'When are you going to get there? Where

are you? Meet me here.'" The prosecutor then reiterated that the value of the drugs supported an inference of knowledge: "Look at how much that meth is worth and ask if someone would just throw it in a car not knowing any of that."

Unable to point to evidence of the existence of blind mules, defense counsel's closing argument focused on the lack of direct evidence of knowledge, the holes in the government's theory, the defense witnesses' and investigation's corroboration of Mr. Wall's post-arrest statement, and the locksmith's testimony that a person could gain access to the spare tire without a key. Defense counsel thus argued that the government failed to meet its burden to prove knowledge beyond a reasonable doubt.

In rebuttal, the prosecutor again argued that "any theory that some imaginary person snuck drugs in the car is pure speculation and the evidence rules it out."

The jury returned a guilty verdict.

D. The district court denied Mr. Wall's post-trial Confrontation Clause challenge.

Mr. Wall moved for a new trial on the ground that the complete preclusion of cross-examination of the expert on the known existence of blind mules violated the Confrontation Clause. The district court denied the motion and sentenced Mr. Wall to a thirty-month prison term.

IV. The court of appeals rejected Mr. Wall's constitutional challenge to the district court's complete preclusion of cross-examination on the known use of blind mules.

On appeal, Mr. Wall challenged the district court's complete denial of his request to cross-examine the government's expert about her knowledge of the existence of blind mules. Mr. Wall argued that this inquiry addressed the essential question before the jury: whether the government could prove knowledge beyond a reasonable doubt. And Mr. Wall argued that the district court's total ban on cross-examination of this issue violated the Confrontation Clause.

The panel's memorandum disposition rejected Mr. Wall's Confrontation Clause challenge. The panel recognized that a district court violates the Confrontation Clause if it "'limits relevant testimony and prejudices the defendant, and denies the jury sufficient information to appraise the biases and motivations of the witnesses.'" Pet. App. at 5a–6a (*quoting United States v. Larson*, 495 F.3d 1094, 1103 (9th Cir. 2007) (en banc)) (emphasis removed).

The panel agreed that the blind-mule inquiry was relevant to Mr. Wall's lack-of-knowledge defense. The panel found the district court "overestimated the risk of jury confusion, a 'mini-trial,' or a prolonged discussion about blind mules," and found that these risks tipped only "slightly" in the government's favor. Pet. App. at 6a–7a.

But the panel nonetheless determined there was no constitutional violation here. The court determined that cross-examining the expert about drug-trafficking organizations' use of blind mules "simply has nothing to do with her credibility or any 'prototypical form of bias' that the Confrontation Clause ensures an opportunity

to present." Pet. App. at 7a (*quoting Van Arsdall*, 475 U.S. at 679). Thus, the panel held Mr. Wall's Sixth Amendment right to confrontation had not been violated by the district court's total prohibition of cross-examination about blind mules.

REASONS FOR GRANTING THE PETITION

This Court should grant review to address the scope of the Confrontation Clause's protection of a defendant's right to cross-examine key government witnesses in a manner designed to test their credibility and reliability. A cramped reading of the Clause—as the Ninth Circuit applied here—permits a complete bar on cross-examination of government witnesses on topics that would allow the jury to draw credibility inferences going to key elements in dispute. Such a reading is inconsistent with this Court's precedent. And it deepens a split with those courts that apply a presumption favoring cross-examination under these circumstances.

This Court should grant review because the circuit split creates disharmony on an important, prevalent constitutional issue, and because the court of appeals is on the wrong side of the split. This Court also should grant review because this petition is an excellent vehicle to resolve the question presented. The petition squarely raises the constitutional question and will thus allow this Court to resolve the circuit split implicated by the question.

I. The decision below contravenes this Court's precedent on the purpose, scope, and application of the Confrontation Clause.

A. The Confrontation Clause safeguards an accused's right to cross-examine a witness to test their credibility.

The Sixth Amendment's Confrontation Clause guarantees defendants in a criminal prosecution the right "to be confronted with the witnesses against him."

U.S. Const. amend. VI. "'The main and essential purpose of confrontation is to secure for the opponent the opportunity of cross-examination.'" *Davis*, 415 U.S. at 315 (internal quotation marks and citation omitted). Thus, while a trial court may impose reasonable limits on cross-examination to prevent harassment, prejudice, confusion of the issues, witness safety, or redundant or irrelevant testimony, an accused's opportunity to cross-examine may not, consistent with the Confrontation Clause, be infringed upon. *See Van Arsdall*, 475 U.S. at 679 (*citing Delaware v. Fensterer*, 474 U.S. 15, 20 (1985) (per curiam)).

The foundational case on the scope of the Confrontation Clause's protection of the right to cross-examination is *Davis*. There, the government's witness testified about key elements in the government's case against Mr. Wall. *See* 415 U.S. at 317. To test his credibility, the defense sought to cross-examine the witness about his status as a probationer and as a suspect in the investigation. *See id.* at 317–18.

The Court in *Davis* held that "jurors [a]re entitled to have the benefit of the defense theory before them so that they c[an] make an informed judgment as to the weight to place on [the government witness's] testimony which provided a 'crucial link in the proof . . . of Petitioner's act.'" 415 U.S. at 317 (*quoting Douglas v. Alabama*, 380 U.S. at 419 (1965)). The Court explained that "cross-examination is the principal means by which the believability of a witness and the truth of his testimony are tested." *Id.* at 316. Thus, "the cross-examiner [is] . . . allowed to impeach, i.e., discredit, the witness." *Id.*

The Court expanded on *Davis*'s articulation of the Confrontation Clause's scope in *Van Arsdall*. There, the Court held it was error for the trial court to "cut[] off all questioning about an event that . . . a jury might reasonably have found furnished the witness a motive for favoring the prosecution in his testimony." 475 U.S. at 679. The Court thus held that when "[a] reasonable jury might have received a significantly different impression of [the witness's] credibility had [defense] counsel been permitted to pursue his proposed line of cross-examination," the violation is prejudicial and requires reversal. *Id.* at 680.

B. The decision below is irreconcilable with these well-established standards.

The only issue in dispute in Mr. Wall's trial was whether Mr. Wall knew the drugs were hidden in the exterior spare tire of his vehicle. The government called a law enforcement expert on drug trafficking to testify about the value of the drugs in order to show that no such organization would place a high-value drug load into a vehicle without the driver's knowledge. The expert testified about her considerable experience investigating drug-trafficking organizations and about the value of the load in Mr. Wall's vehicle.

Mr. Wall sought to cross-examine the expert about whether she was aware that drug-trafficking organizations have been known to use blind mules to transport high-value loads. This line of questioning would have tested the witness's knowledge of drug-trafficking organizations, her reliability as an expert on drug valuation generally, and her credibility in this case.

The jurors were "entitled to have the benefit of the defense theory [that Mr. Wall was a blind mule] before them so that they could make an informed judgment as to the weight to place on [Agent Johnson's] testimony which provided 'a crucial link in the proof . . . of [P]etitioner's act.'" *Davis*, 415 U.S. at 317. Mr. Wall's cross-examination of Agent Johnson was "the principal means by which [her] believability . . . and the truth of h[er] testimony [could be] tested." *Id.* at 316. And a reasonable jury might have received a significantly different impression of the expert's credibility had Mr. Wall been permitted to pursue this line of cross-examination.

But the district court cut off all questioning about the use of blind mules.

The Ninth Circuit agreed the topic of blind mules was relevant and would have caused only slightly prolonged discussion. Pet. App. at 6a–7a. But it nonetheless affirmed the district court's complete bar on questioning. Pet. App. at 7a.

This ruling clearly runs afoul of the Confrontation Clause and this Court's cases interpreting it. By preventing Mr. Wall from confronting the government's key witness to test her credibility on the sole issue in dispute, the district court violated Mr. Wall's confrontation right. The Ninth Circuit erred in holding otherwise. This Court should grant review to correct the lower court's error.

II. The decision below deepens a division in the courts of appeals.

This Court also should grant review because the courts of appeals are divided on whether to apply a presumption in favor of cross-examination to test the credibility of a key witness for the prosecution.

The Eleventh Circuit applies such a presumption. But other courts of appeals—including the Ninth Circuit—do not. The result is disharmony in lower courts' interpretation of the Confrontation Clause. The Ninth Circuit's holding here has deepened the split in the circuits over this important constitutional question.

This Court should grant review to resolve this conflict and ensure uniformity in lower courts as to the scope of the confrontation right under the Sixth Amendment.

A. At least one court of appeals applies a presumption in favor of cross-examination into the possible bias, motive, and credibility of key prosecutorial witnesses when analyzing Confrontation Clause challenges to a district court's limitation of cross-examination.

In the Eleventh Circuit, a district court may not automatically bar cross-examination into possible bias, motive, or credibility of a key witness for the prosecution. Rather, the Eleventh Circuit applies a presumption in favor of such cross-examination to comport with the Confrontation Clause.

The seminal case is *United States v. Phelps*, 733 F.2d 1464 (11th Cir. 1984). There, the Eleventh Circuit recognized that "[c]ross-examination of a government 'star' witness is important." *Id.* at 1472. Given that importance, the Eleventh Circuit safeguards the confrontation right by applying "a presumption favor[ing] free cross-examination on possible bias, motive, ability to perceive and remember, and general character for truthfulness." *Id.*

The Eleventh Circuit has elaborated on this presumption favoring cross-examination testing credibility and reliability of a key government witness. For example, in *United States v. Maxwell*, the court of appeals deemed a limitation on

cross-examination testing a government witness's credibility or reliability constitutional only if: (1) "through the cross-examination that is permitted," the jury learns of facts sufficient to allow "it to draw inferences relating to the witness's reliability"; and (2) the permitted cross-examination enables defense counsel "to make a record from which he [or she] may argue why the witness" may be unreliable. 579 F.3d 1282, 1296 (11th Cir. 2009) (*quoting United States v. Van Dorn*, 925 F.2d 1331, 1335 (11th Cir. 1991). In other words, *only* "'[o]nce there is sufficient cross-examination to satisfy the Sixth Amendment's Confrontation Clause [is] further questioning . . . within the district court's discretion.'" *Id.* (*quoting United States v. Garcia*, 13 F.3d 1464, 1468 (11th Cir. 1994) (alterations in original)).

And the Eleventh Circuit has repeatedly affirmed the *Phelps* presumption. *See also United States v. Khan*, 794 F.3d 1288, 1301 (11th Cir. 2015) (recognizing the Eleventh Circuit "has been particularly solicitous of a defendant's confrontation rights when it comes to the Government's lead witness at trial."); *United States v. Baptista-Rodriguez*, 17 F.3d 1354, 1371 (11th Cir. 1994) (stating Confrontation Clause is violated if a limitation on cross-examination prevents the jury from being exposed to "facts sufficient to evaluate the credibility of the witness and . . . establish a record [to] properly . . . argue why the witness is less than reliable."); *United States v. Lankford*, 955 F.2d 1545, 1548 (11th Cir. 1992) (holding full cross-examination by defense counsel is particularly important when witness sought to be questioned is the chief government witness).

Given this well-established line of cases, there is no indication that the Eleventh Circuit intends to retreat from its rule that the Confrontation Clause demands a presumption in favor of cross-examination to test a key government witness's credibility or reliability. The rule is firmly entrenched.

B. Other circuits permit a complete bar on cross-examination of possible bias or motive of key government witnesses without applying a presumption favoring cross-examination.

In contrast to the Eleventh Circuit, the Ninth Circuit and other courts of appeals permit district courts to totally limit a defendant's cross-examination designed to test the credibility or reliability of a key government witness without applying a presumption in favor of cross-examination.

For example, the Ninth Circuit in *United States v. Dadanian*, 818 F.2d 1443, 1448 (9th Cir. 1987) (modified on other grounds after reh'g, 856 F.2d 1391 (9th Cir. 1988)), held the defendant did not suffer a deprivation of his confrontation right when the district court refused to permit him to question a cooperating witness about the maximum term of imprisonment he faced. The court reasoned that the amount of jail time the witness faced was "at best marginally relevant." *Id.* at 1449. And in this case, as discussed above, the Ninth Circuit failed to apply a presumption favoring cross-examination. *See* Pet. App. 6a–8a. The reasoning in *Dadanian* and in Mr. Wall's case would not have passed muster had a presumption in favor of cross-examination on reliability and possible bias applied.

The Third Circuit has similarly declined to apply a presumption and consequently upheld sweeping limitations on cross-examination. In *United States v. Chandler*, 326 F.3d 210, 216, 221 (3d Cir. 2003), the court of appeals held the

defendant was improperly denied cross-examination into a witness's potential bias, but left unresolved the question of whether a categorical or presumptive rule favoring cross-examination applied with respect to cooperating witnesses. The Third Circuit answered that question in the negative in *United States v. Mussare*, 405 F.3d 161, 170 (3d Cir. 2005): *Mussare* held that a defendant does not have a presumptive right to expose a witness's potential for bias by inquiring into the penalty a witness would have faced if the government had not moved for a reduced sentence.

Likewise, in the Second and Seventh Circuits, a court may limit cross-examination of a government witness designed to explore the witness's potential for bias without applying a presumption. *See United States v. Trent*, 863 F.3d 699, 704 (7th Cir. 2017); *United States v. Hunter*, 932 F.3d 610, 620 (7th Cir. 2019); *Shabazz v. Artuz*, 336 F.3d 154, 166 (2d Cir. 2003).

* * *

In sum, the circuits are divided on whether to apply a presumption favoring cross-examination of a key government witness's credibility and reliability. The issue is relevant to countless criminal prosecutions every year. Without this Court's intervention, this split over this important, reoccurring issue will persist.

III. This case provides an excellent vehicle to address the question presented.

This Court should grant review because this case squarely raises the constitutional question presented.

The district court did not apply a presumption favoring cross-examination. Instead, the district court ruled that Mr. Wall would be afforded *no* opportunity to cross-examine the government's expert on drug-trafficking organizations' use of blind mules. That inquiry would have tested the credibility or reliability of the government's expert witness on an issue going to the sole question before the jury: whether Mr. Wall knew the drugs were hidden in the exterior spare tire of his vehicle. But the district court completely barred Mr. Wall's cross-examination on this critical issue.

The Ninth Circuit held the district court's ruling did not cause affront to the Confrontation Clause. Relying on its precedent of failing to apply a presumption favoring cross-examination, the court of appeals rejected Mr. Wall's Confrontation Clause challenge on the merits. Pet. App. 7a–8a.

Given this factual and procedural history, no impediment will prevent this Court from resolving the question presented. Moreover, as discussed, the Ninth Circuit's opinion in this case has only deepened an extant circuit split that affects most criminal trials across the country. This split will persist without this Court's intervention. This case is thus an ideal vehicle for resolving the divide.

CONCLUSION

This Court should grant the petition for a writ of certiorari.

Respectfully submitted,

February 18, 2025

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